SUPREME COURT OF THE UNITED STATES.

491.

No. ~~37~~. 41.

BANK OF THE UNITED STATES, ET AL., APPELLANTS,

VERSUS

JOHN T. RITCHIE, JR., ET AL.

ON APPEAL FROM THE CIRCUIT COURT OF THE U. STATES FOR THE COUNTY OF WASHINGTON, D. C.

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DISTRICT OF COLUMBIA, *set.*

Style of court. At a circuit court of the District of Columbia begun and held in and for the county of Washington, at the city of Washington, on the first Monday of May, being the second day of the same month, in the year of our Lord one thousand eight hundred and thirty-one, and of the independence of the United States of America the fifty-fifth, were present:

The Hon. { WILLIAM CRANCH, Chief Judge. / BUCKNER THRUSTON, / JAMES S. MORSELL, } Assistant Judges.

HENRY ASHTON, Esq. Marshal.

WILLIAM BRENT, Clerk.

In the record of proceedings of said court, among others, are the following, to wit:

Parties. John T. Ritchie, jr. by Abner H. Ritchie, his next friend, Eleanor, Matilda, and Joshua Ritchie, by Eleanor Ritchie, their next friend,

vs.

The Bank of the United States, the Bank of Columbia, and others.

Be it remembered, that, heretofore, to wit, on the 16th day of July, in the year 1828, the said complainants, by John Marbury, esq. their solicitor, filed in court here the following bill of complaint and exhibits, to wit:

Bill of complaint. To the honorable the Judges of the circuit court of the District of Columbia, sitting in Washington county as a court of chancery, humbly complaining, showeth unto your honors, your orator John T. Ritchie, junior, a minor, by Ann Harriet Ritchie, his next friend; and your orators and oratrixes Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, minors, by Mary Ritchie, their next friend, that, on or about the 5th day of March, in the year 1825, the president, directors, and company of the Bank of the United States, the president, directors, and company of the Bank of Columbia, the president and directors of the Union Bank of Georgetown, Tobias Nixdorff, William Mackey, Charles Worthington, Henry Carberry, and Roger Taney and William Marbury, executors of the last will and testament of John T. Shaaff, deceased, filed their bill of complaint in your honorable court against your said orators and oratrixes, together with John T. Ritchie, the elder, John W. Ott, and Mary C. Ott, as heirs at law of Abner Ritchie, deceased, and defendants to the said bill of complaint; in which said bill of complaint the complainants allege themselves to be severally creditors of the estate of the said Abner Ritchie, in the several sums of money therein mentioned; that John T. Ritchie, the son of the said Abner, and one of the said defendants, had obtained letters of administration on the estate of the said Abner; that the complainants had frequently applied to the said John T. Ritchie for the payment of their debts, "which he refused, saying that he has not assets of the estate to pay them, or any part of them, and that said Abner Ritchie hath died without leaving personal estate to discharge the debts by

him due." The said complainants allege further, that they are informed, and believe, that the said Abner died possessed of real estate, described in an exhibit filed with the said bill of complaint, and "that John T. Ritchie, John W. Ott, and Mary C. Ott, John T. Ritchie, junior, Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, are the heirs at law of the said Abner Ritchie;" against all of whom the said complainants pray subpœna may issue, and that they may answer the several allegations of the said bill of complaint, and that a decree may be passed to subject the said real estate to the payment of their debts, and that it may be sold in such quantity as may be necessary to pay them. And your orators and oratrixes show that subpœnas issued accordingly against the several defendants in said bill of complaint named, returnable to the May term of your court for the year 1825; that the said complainants, at the same term, and before your orators or oratrixes had appeared to the said suit, or by any order of your court had been brought before your honors, the complainants' solicitor applied to your honorable court, and obtained an order in the words following, to wit:

Circuit Court of the District of Columbia, May term, 1825.

Bank of the United States, and others, *vs.* John T. Ritchie and others, heirs and representatives of Abner Ritchie, deceased. } *No.* 350. *In Chancery—Order.*

On motion of complainants' counsel in this case, Thomas Turner, esq. is appointed guardian to appear and answer for the infant defendants.

By order: WM. BRENT, *Clerk.*

9th June, 1825.

And your orators and oratrixes further show that, in pursuance of such appointment, made without their knowledge or approbation, or without it appearing by the said bill of complaint, or any other proceeding in the said cause, that any of the defendants named in the said bill of complaint were minors, or unqualified by reason of nonage to appear to and defend the said suit, or without it appearing by the terms of the said order itself that it was thereby designed to appoint the said Thomas Turner guardian for your orators and oratrixes, to appear to and answer the said suit in their behalf, the said Thomas Turner did appear to said suit, and file an answer to the said bill of complaint on the first day of August, in the same year, for and in behalf of your orators and oratrixes, stating himself to be their guardian; in which said answer, filed without the knowledge or consent of your orators or oratrixes, all the allegations of the said bill of complaint are confessed to be true. But the said answer is not on the oath of the said pretended guardian, as the rules and practices of the court requires. Your orators and oratrixes show that the said John T. Ritchie, sen. filed his answer to the said bill of complaint, and alleging that he him-

self was a large creditor to the estate of the said Abner Ritchie, admitted the several allegations in the said bill of complaint, and suggested a reference of the various claims to an auditor for adjustment; and your orators and oratrixes further show that, at the May term of your court, in the year 1826, Benjamin L. Lear, solicitor for the complainants, and Thomas Swann, esq. one of the solicitors of your court, misled by some person unknown to your orators and oratrixes, undertaking to act for your orator and oratrixes, entered into an agreement to set the said cause down for hearing; and the said solicitors, pretending to act for the parties aforesaid, did consent that a certain decree should pass in the said cause, which was submitted to your honors, and was passed on the 21st day of June, in the year 1826, whereby it was decreed that the said real estate should be sold to pay the debts of the complainants, and that the trustee should convey the same to the purchasers, without waiting the ratification of your honorable court; and that your orators and oratrixes, on their respectively coming to age, should release to the said purchasers all their estate in the said premises; and they further show that the said decree hath been executed; that the said John T. Ritchie, sen. became the purchaser of the whole of the property; that the trustee hath, by his deed, conveyed the same to the said John T. Ritchie, sen.; all of which will appear by the report of the said trustee, filed in the original cause, to which report and the decree, and all the other papers in said cause, your orators and oratrixes refer. But your orator and oratrixes do aver that the said Thomas Swann had no authority to appear *to appear* to the said suit in their behalf, or to enter into any consent or agreement to set the said cause down to be heard, or that any decree should be passed in the said cause affecting the rights and estate of your orators and oratrixes; that such agreement and consent as was entered into as aforesaid was without the knowledge or assent of your orators and oratrixes, and that they have never acquiesced therein; that, in the whole proceeding, they and their immediate friends and natural guardians have been wholly overlooked and unconsulted. And they do further aver that they are aggrieved and injured by the said decree; that they ought not to be bound thereby, nor should any such decree have been made or pronounced against them; neither ought they to convey their estate in the said premises to the purchaser thereof, as by the decree is appointed; and that the decree is erroneous, and ought to be reversed, and for error do, according to the course of this court, assign the errors therein, as follows:

See page 23.

1st. That there is no allegation contained in the said bill of complainant, or any evidence filed in the said cause, "that Abner Ritchie died without leaving personal estate sufficient to discharge the debts by him due at the time of his death."

2d. That there is no allegation in the said bill of complaint, or any evidence filed in the said cause, "that the real estate of which the said Abner Ritchie died seized descended to a minor."

3d. That the said decree was made without any legal or sufficient answer being first filed by your orators and oratrixes to the said bill of complaint, and without the several matters therein having been first taken "pro confesso" against your orators and oratrixes, according to the rules of the court.

4th. In that there is no allegation contained in the said bill of complaint, nor any evidence filed in the cause that your orators and oratrixes, or any other of the defendants thereto, was a minor, and incapable of answering without a guardian.

5th. In that the court appointed a guardian "ad litem" in the said cause, without naming the infant defendants for whom such appointment was made, or causing such infant defendants to be brought into court to have a guardian assigned, according to the rules and practice of the court, and without it appearing in the bill of complaint, or any proof in the cause, that either of the defendants was a minor.

6th. In that the order appointing a guardian for the infant defendants is altogether vague, uncertain, and void, and insufficient to sustain any proceeding consequent thereon.

7th. In that the answer of Thomas Turner, professing to be guardian of your orators and oratrixes, and to answer in their behalf, is not under oath, and is therefore insufficient and void.

8th. In that the said decree purports to be by consent of parties, whereas it appears from the proceedings in the cause that your orators and oratrixes never appeared to the said suit, in person or by guardian, and therefore never could have assented to the said decree, and cannot, as minors, be bound by the consent of an attorney.

9th. In that there is not sufficient matter alleged in the said bill of complaint to sustain the decree even if made by consent of your orators and oratrixes, if capable of binding themselves by such consent.

10th. Because the said decree, contrary to right and equity, and the uniform rule and practice of the court, directs the trustee to convey the premises to the purchaser, without requiring the ratification of the sale by the court.

11th. Because the said decree is an absolute one against your orators and oratrixes, commanding them as they come of age to release to the purchaser their estate in the said premises, whereas, being minors, they are entitled to a day after they shall come of age to show cause against the said decree.

For all which said errors and imperfections in the said decree, *of* your orators and oratrixes have brought this their bill of review. And your orators and oratrixes further say, that the said Henry Carberry, whose name appears in the said bill as a complainant, departed this life sometime in the spring of the year 1822, about three years before the said bill of complaint was filed. In tender consideration whereof, and for that there are divers other errors and imperfections in the said decree and the proceedings, by reason whereof the same ought to be reviewed and reversed. To the end, therefore, that the said decree, and all the proceedings thereon, may be reviewed and reversed, and

that the deed of the trustee, Charles A. Beatty, to the said John T. Ritchie, and all other deeds from the said John T. Ritchie to the defendants in this case, or either of them, may be declared to be absolutely null and void; that the sales made by the said trustee, by virtue of the said decree, may be declared void and may be set aside, and your orators and oratrixes restored in respect to the said real estate, and every part thereof, to the same condition and situation in which they were prior to the making the said decree; and that the said president, directors, and company of the Bank of the United States, the president, directors, and company of the Bank of Columbia, the president and directors of the Union Bank of Georgetown, Tobias Hixdorff, William Mackey, Charles Worthington, and William Marbury and Roger B. Taney, executors of John T. Shaaff, deceased, John T. Ritchie, the elder, John W. Ott, and Mary C. Beatty, (late Mary C. Ott) who, since the filing of the said bill of complaint, has intermarried with a certain Robert H. Beatty, and Robert H. Beatty her husband, may all be made defendants to this bill of review, and may answer the premises; and that your orators and oratrixes may be relieved in all and singular the premises, according to equity and good conscience, may it please your honors to grant your orators and oratrixes the writ of subpœna to the said named defendants directed, commanding them, &c. And, forasmuch as the said John W. Ott is a minor under the age of twenty one years, and incapable of defending this suit, may it please your honors to issue a commission to appoint a guardian to appear to and defend this suit in behalf of the said infant; and forasmuch, further, as the said Mary C. Beatty, late Mary C. Ott, and Robert H. Beatty her husband, do not reside in the District of Columbia, but out of the jurisdiction of this court, may it please your honors to direct publication to be made against said absent defendants, commanding them to appear and answer this bill of review and complaint by a given day, and warning them that the matters therein contained will be taken for confessed, if they neglect so to appear and answer. And your orators and oratrixes will pray. JNO. MARBURY.

Subpœnas issued.

Thereupon, subpœnas issued as prayed for in said bill of complaint, and made returnable on the first Monday of August next.

Return day.

At which said first Monday of August, in the year 1828, come into court here the said complainants, by their solicitor aforesaid; and the marshal, to whom the summons aforesaid was issued, makes return thereof, and says he has summoned the defendants; and they, being called, appear in court here by B. L. Lear, esq., and the following answers were filed, to wit:

Answer of Robert H. and Mary C. Beatty.

The answer of Robert H. Beatty, and Mary C. Beatty his wife, late Mary C. Ott, to the bill of review of Eleanor Ritchie, minor, heir of Abner Ritchie, deceased, and others, by their next friends, Mary and Ann Harriet Ritchie:

These defendants, answering the said bill of review, say that they are willing the matters therein contained should be received and reviewed and considered by the court, and that the

court make such order and decree in relation to the prayer of the said bill of review as to them shall seem lawful and right.

R. H. BEATTY.
M. C. BEATTY.

Answer of Taney and Marbury.

The joint answer of William Marbury and Roger B. Taney, two of the executors of John L. Shaaff, deceased, to the bill of John T. Ritchie, jun. by his next friend, and others, complainants:

These defendants say, that they had no knowledge whatever that any bill of complaint had been filed in their names against the heirs of Abner Ritchie, deceased, for the sale of the real etestate of said Abner, to pay a debt due their intestate. They further say they never authorized such a bill to be filed. The said Abner was indebted to said Shaaff, but the said debt was paid by John T. Ritchie, the administrator of said Abner; and, consequently, these defendants never had any reason to file such bill; they disclaim any interest under the decree of the court made for the sale of the said estate, and do not object to a review and correction of the same. They pray, hence, to be dismissed with their cost.

WM. MARBURY,
One of the executors of Dr. John T. Shaaff, deceased.
F. S. KEY, for
R. B. TANEY.

Answers of Nixdorf, Worthington, and Mackey.

The answer of Tobias Rixdorff, William Mackey, Charles Worthington, and to the bill of review of John T. Ritchie, junior, by Ann H. Ritchie, his next friend, and Eleanor Matilda and Joshua Ritchie, by Mary Ritchie, their next friend:

These defendants, answering the said bill of review, say: That they never did authorize the filing of the bill of complaint, or the proceedings consequent thereon, which is mentioned by the complainants in their bill of review; neither had they any knowledge, until informed by the proceedings of the present complainants, that they [these defendants] were parties to such a proceeding. These defendants are entirely ignorant in regard to the said original bill of complaint, and the proceedings complained of by the present complainants in their bill of review, and cheerfully consent that the matter contained in the said bill of review may be, as against them, taken to be true, and that the said original case may be reconsidered and reviewed, and such decree made by the court in relation to the said original bill and the decree therein, as to the court may seem right and proper. The defendants severally disclaim and deny ever having directed or authorized, or having acquiesced in, the filing the said original bill, pray that they may be hence dismissed, with an allowance of their reasonable cost.

CHA. WORTHINGTON,
T. NIXDORFF,
WILLIAM MACKEY.

I consent to the filing of the foregoing answers, without the oath of the defendants. MARBURY, *Att'y.*

This cause was regularly continued at rules until January, 1830, when the death of Mary Ritchie, one of the complainants, was suggested, and the appearance of Eleanor Ritchie was entered in her place. The cause was afterwards regularly continued until March, 1830, when the following defendants, by B. L. Lear, esq. their solicitor, filed in court here the following answers, to wit:

Answer of Jno. T. Ritchie.

Answer of John T. Ritchie, one of the defendants to a bill of review in the case of John T. Ritchie, jun. and others, *vs.* United States' Bank and others.

This defendant, now and all times saving and reserving to himself all manner of benefit and advantage of exceptions to the many errors and uncertainties in the said bill contained, for answer thereto, or so much there as he is advised is material for him to answer. And this defendant saith, as he believes, that the U. S. Bank and Union Bank of Georgetown, and others, creditors of Abner Ritchie, deceased, did file a bill against John T. Ritchie and others, defendants, heirs of Abner Ritchie; and that your honors did appoint Thomas Turner, esquire, guardian to all the minors to take their answers respectively, which he did in strict conformity of law, as this defendant verily believes. All the minors resided in Georgetown at that time, except John T. Ritchie, jun. who was frequently in town.

This defendant, of his own knowledge, knows that guardian took the answers of John W Ott, Mary C. Ott, both of whom were minors, and living at his house. He also was informed, and verily believes, that the answer of all the minors were legally taken by the guardian at that time.

This defendant further states, that all the complainants in the bill have been settled with and paid by the administrator, and are not now interested, as will appear by reference to his settlement with the Orphans' Court, except the minors, who have been properly represented by counsel, (Mr. Swann) through their guardian. This defendant concludes by praying your honors will ratify and confirm the sale made and decreed in pursuance of the aforesaid decree; as the money has been paid, and applied to the payment of all the debts, the object for which the decree was obtained has been consummated, and deeds passed to all the parties concerned.

JOHN T. RITCHIE.

Personally appeared John T. Ritchie, before me, the subscriber, a justice of the peace for Washington county, District of Columbia, and makes oath on the Holy Evangelists of Almighty , and states, that the matters and things stated above are true, to the best of his knowledge. DAN'L REINTZEL.

Georgetown, 16th October, 1828.

Answers of Banks United States, & Union Bank of Georgetown.

The joint answer of the president, directors, and company of the Bank of the United States, and the president, directors, and company of the Bank of Columbia, and of the Union Bank of Georgetown, to the bill of complaint of John T. Ritchie, jr.

a minor, by Ann Harriet Ritchie, his next friend, and others, heirs at law of Abner Ritchie.

These respondents, saving and reserving, &c. for answer to such part of the said bill as they are advised it is necessary for them to answer, say, that they admit the allegations of the said bill, as to the fact of the filing of the bill of these respondents and others, against John T. Ritchie and others, heirs at law of Abner Ritchie, for the purpose of procuring a decree for the sale of the real estate (or a part of it) of the said Abner Ritchie, to satisfy the debts due by his estate, they having heard and believed that his personal estate was insufficient for that purpose. But, as to the statement of the allegations of their said bill, they neither make admission nor denial, but would refer your honors to a copy of the said bill, herewith filed, and marked DEFTS. EXHIBIT A., and which they pray may be taken as a part of this their answer.

They neither admit nor deny the allegations relative to the proceedings in the said cause, but are advised that they are regular, and according to the rules of law and equity, and that there is no error in the said proceedings sufficient to justify the setting them aside by your honors. They allege that there is enough in their said bill, or the proceedings under it, to show that the infant heirs of Abner Ritchie, who were made defendants to the bill, were of nonage. These respondents do not admit that the answer of Thomas Turner, as guardian of the said infants, was taken and filed without their knowledge and consent; but, on the contrary, they have understood, and believe, that the said infants were before him when he made the said answer. These respondents know nothing of Thomas Swann, esquire, being misled, but can only say that they did nothing to contribute to mislead him. They suppose that his appearance for all the defendants on the record is not now to be disclaimed by any of them, for the purpose of avoiding any of the consequences of his acts as their solicitor.

And, as for the rest of the allegations and charges in the complainants' bill of bill of complaint, these respondents demur to the same, and say that there is therein no sufficient matter set forth and alleged which ought to affect them and their rights, acquired under the decree of your honors, made the cause aforesaid against the heirs of Abner Ritchie, or which is legally sufficient, according to the rules and practice of courts of equity, to set aside and annul the proceedings in their cause aforesaid. And they therefore pray to be hence dismissed, with their costs in this behalf most wrongfully sustained.

B. L. LEAR, *Solicitor for the Bank of the United States and Bank of Columbia.*

And, on the eighth day of April, in the year aforesaid, the following commission issued to Wm. Redin, esq. to appoint a guardian to John W. Ott, in order to take his answer, which commission, with the commissioner's return thereon, was filed on the 4th of May, and in the form following, to wit:

The United States of America to Wm. Redin, greeting:

Commission to W. Redin, esq. to appoint guardian, &c.

Whereas John T. Ritchie, junior, by his next friends, and others, complainants, have lately exhibited their bill of complaint in the circuit court of the District of Columbia, sitting in Washington county as a court of chancery, against John T. Ritchie, senior, John W. Ott, and others, defendants; and whereas we have lately commanded the said John W. Ott to appear before the said circuit court, at a certain day now passed, to answer the said bill of complaint, but, for as much as the said John W. Ott is an infant under age, and cannot answer the said bill, nor defend this suit, without having a guardian assigned in that behalf—Know ye, that we have given you full authority to appoint a guardian for the said infant, and to take the answer of the said infant, by such guardian, to said bill. Wherefore, we command you, that, at such place and time as you see fit, you go to said infant, and appoint a guardian for said infant, and take the answer of the said infant, by such guardian, to said bill, on such guardian's corporal oath, to be administered by you on the Holy Evangelists of Almighty God; and when you shall have taken the said answer, you are to send the same, under seal, together with your certificate, and you having assigned and appointed such guardian, and this writ, into the said court. WM. BRENT, *Clerk.*

Issued 8th April, 1830.

W. Redin's return as commissioner.

In pursuance of the above writ, I did appoint Philip Mauro the guardian of said infant, appointed by the Orphans' Court guardian ad litem, to answer for said infant in the case above mentioned, and have taken the answer of the said infant, by his said guardian, on said guardian's corporal oath, on the Holy Evangelists of Almighty God, by me administered; and do return the said answer, with this my certificate, and the said writ, according to the command thereof.

Witness my hand and seal, this 4th day of May, in the year 1830.

[L. S.] W. REDIN, *Commissioner.*

Answer of Jno. W. Ott, by his guardian.

The answer of John W. Ott, an infant, defendant to the bill of complaint of John T. Ritchie, junior, by his next friend, and others, against John T. Ritchie, senior, and others:

This defendant, answering by his guardian, says, that he is willing the matters in the said bill contained should be taken and received as true, and that the original case should be reviewed and considered by the court, and that the court should make such order and decree in answer to the prayer of the complainants' bill of review, as to them shall seem right and lawful.

On this 4th day of May, in the year 1830, personally appears Philip Mauro, guardian, by me appointed to answer for the aforesaid infant, and made oath on the Holy Evangelists of Almighty God, which said oath was by me administered, that the matters and things in the aforegoing answer are true, when

stated as of his own knowledge; and when, as of the knowledge of others, he believes them to be true.

W. REDIN, *Commissioner.*

Whereupon, with the consent of, as well the complainants as the defendants, by their said solicitors, said cause is set for hearing upon the bill, answers, and exhibits; and the cause having been heard, the court made the following decree, to wit: Cause set for hearing.

Circuit Court of the Dist. of Columbia, Washington county.

John R. Ritchie, junior, by Ann H. Ritchie, his next friend, and others, complainants,
vs.
The President, Directors, and Company of the Bank of the United States, John T. Ritchie, sen. and others, defendants.

In Equity. May term, 1830.

This cause having being duly set for hearing, by consent, upon the bill and answers, and the same having been agreed by counsel, and considered by the court, the court are of opinion that there is error manifest in the original proceedings referred to in the bill of complaint of the complainants in this cause, and on the face of the decree made in that cause. Whereupon it is, by the court, this 19th day of May, in the year 1830, ordered, adjudged, and decreed, that the decree of this court made in the cause of the president, directors, and company of the Bank of the United States, and others, complainants, against John T. Ritchie, and others, defendants, heirs at law of Abner Ritchie, deceased, dated the 21st day of June, in the year 1826, and made on a bill filed by said Bank of the United States and others, to procure the sale of the real estate of said Abner Ritchie to pay certain debts said by complainants to be due to them from the estate of said Abner Ritchie, be, and the same is hereby, declared and pronounced to be absolutely reversed, annulled, and avoided, and the said decree, and all proceedings of the trustee therein named and appointed, and all and every sale or sales, deed or deeds, made by said trustee of any and every part of the said real estate, by virtue of said decree, to the defendants, John T. Ritchie, or any other person, and all and every deed or deeds of any and every part of said real estate sold as aforesaid, made by said John T. Ritchie to either of the said other defendants, or for their use and benefit, so far as the same affects the interest and estate of the complainants in this cause, or of any of the heirs at law of said Abner Ritchie, except the said John T. Ritchie, senior, be, and the same are decreed and declared to be utterly null and void; and the said complainants are hereby declared to be restored, in respect to the said real estate, to the same condition in which they were prior to the making of the said decree, and that the defendant, John T. Ritchie, pay to the said complainants the cost by them expended in this suit. Decree nisi.

And it is further decreed, that Mary C. Ott, John W. Ott, John T. Ritch e, junior, Eleanor Ritchie, Martha M. Ritchie,

and Joshua Ritchie, defendants in the said original cause, be permitted to withdraw the answer filed by Thomas Turner, esq. in their behalf in said original cause, and answer to the bill of complaint in said cause, as they may be advised of is proper and material for them to answer. *This decree to be absolute, unless cause to the contrary be shown by the tenth day of the next term.** By order of the court.

Test: WM. BRENT, *Clerk.*

**Memorandum.*—This amendment of the decree is made this 7th of August, 1830, upon the suggestion of Mr. Lear, Mr. J. Dunlop, and Mr. Key, that it would be wrong to permit the heirs now to avail themselves of the statute of limitations against creditors, of which they could not have availed themselves at the time of the original decree, and to give time to amend the decree by imposing such terms on the heirs as will prevent injustice by the opening of the decree, &c. W. C.

Thereupon, further proceedings of and upon the premises aforesaid, between the parties aforesaid, by order of court, and consent of said parties, continued until the first Monday of December next.

At which said first Monday of December, in the year 1830, come in court here as well the complainants as the defendants, by their solicitors aforesaid; whereupon, further process of and upon the premises aforesaid is continued until the first Monday of May next.

At which said first Monday of May, in the year 1831, come again into court here as well the complainants as the defendants aforesaid, by their attorneys aforesaid; whereupon the court made the following decree, to wit:

Decree nisi made final.

May term, 1831 —The defendants, John T. Ritchie, the president, directors, and company of the Bank of the United States, the president, directors, and company of the Bank of Columbia, and the president, directors, and company of the Union Bank of Georgetown, having appeared to show cause why the decree of this court, passed on the 19th of May, 1830, should not become absolute; and this cause having been further heard upon the said decree, and the leave therein reserved to show cause, &c. and having been heard and considered, it is by the court, this 5th day of May, 1831, ordered, adjudged, and decreed, that the said former decree of the 19th of May, 1830, be, and the same is hereby, made absolute, except that part thereof which follows the words "*expended in this suit,*" which said part is hereby rescinded, without prejudice to any motion which may be made by any of the parties in this cause for leave to amend the proceedings therein, or any part thereof.

By order of the court.

Test: WM. BRENT, *Clerk.*

Appeal prayed and granted.

And, thereupon, the defendants, by their solicitor aforesaid, pray an appeal from the decrees aforesaid to the Supreme Court of the United States, and it is granted them, and they file in court here an appeal bond; and at the same they produce

and file in court here the United States for the correction of errors of and upon the decrees aforesaid, directed to the judges of the Circuit Court of the District of Columbia, in the county of Washington.

And, in pursuance thereof, and according to the forms and effect of the law in such case made and provided, a transcript of the record of proceedings of the judgment aforesaid, and all things thereto relating, with a copy of the appeal bond, and the writ aforesaid hereunto annexed, is hereby transmitted to the said Supreme Court accordingly. Clerk's certificate.

In testimony whereof, I have hereunto subscribed my name, and affixed the public seal of the said Circuit Court for the county aforesaid, this twenty-fourth day of January, 1832.

[L. S.] WM. BRENT, *Clerk.*

Copy of the record referred to in the bill of complaint at page 5, which bill is filed to annul the proceedings in this cause:

The President, Directors, and Company of the United States' Bank, and others, complainants,

vs.

John T. Ritchie, John W. Ott, Mary C. Ott, John T. Ritchie, junior, Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, heirs at law of Abner Ritchie, deceased.

Be it remembered, that, heretofore, to wit, on the 5th day of March, in the year 1825, the said complainants, by B. L. Lear, esquire, their solicitor, filed in court here the following bill of complaint, to wit:

To the honorable the Judges of the Circuit Court of the District of Columbia, in chancery, sitting for the county of Washington: Bill of complaint in cause of the Banks & others, against the heirs of Abner Ritchie.

Humbly complaining, showeth unto your honors, your orators, the president, directors, and company of the Bank of the United States, the president, directors, and company of the Bank of Columbia, the president and directors of the Union Bank of Georgetown, Tobias Nixdorf, William Mackay, Charles Worthington, Henry Carbery, and Roger Taney, and William Marbury, executors of the last will and testament of John T. Shaaff, deceased:

That they are creditors of the estate of Abner Ritchie, late of Georgetown, in the county of Washington, deceased; that the said Ritchie died indebted to them, respectively, as follows: to the president, directors, and company of the Bank of Columbia, in the principal sum of five hundred and sixty dollars, which debt the said president, directors, and company, have since assigned to the aforesaid president, directors, and company of the Bank of the United States; to the said president and directors of the Union Bank of Georgetown, in the principal sum of five hundred dollars; to the said Tobias Nixdorf in the principal sum of one hundred and fifteen dollars; to the said William Mackay in the principal sum of one hundred and thirty dollars; to the said Charles Worthington in the principal

sum of fifty dollars; to the said Henry Carbery in the principal sum of fourteen dollars; and to the said John T. Shaaff's executors in the principal sum of sixteen dollars, making altogether the sum of thirteen hundred and eighty-five dollars. That, since the death of the said Abner Ritchie, his son John T. Ritchie, of Georgetown aforesaid, whom your orators pray may be made a defendant to this their bill of complaint, has received from the Orphans' Court of the county of Washington aforesaid, letters of administration of his estate, and taken upon himself that office; that he has, since his administration, been repeatedly applied to by your orators for the payment of the aforesaid claims, which he has refused, saying that he had not assets of the estate to pay them, or any part of them; that the said Abner Ritchie died without leaving personal estate sufficient to discharge the debts by him due; that your orators are informed, and believe, that the said Abner Ritchie died possessed of a considerable amount of real property, among which is that described in the letter of said John T. Ritchie, dated the 14th day of February, 1825, and directed to Benjamin L. Lear, esquire, attorney, Washington city, and the plot annexed to said letter; which letter and plot is herewith filed and exhibited to your honors, marked "complainants' exhibit A," and which your orators pray may be taken as part of this their bill. That your orators are informed, and believe, that the only heirs at law of the said Abner Ritchie are John T. Ritchie, John W. Ott, Mary C. Ott, John T. Ritchie, junior, Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, all of whom your orators pray may be made defendants to this their bill of complaint. In tender consideration whereof, and inasmuch as your orators are utterly without remedy, unless in a court of chancery where these matters are properly cognizable; to the end, therefore, that your orators may have relief in the premises, and that the said John T. Ritchie, the administrator, and the said John T. Ritchie, John W. Ott, Mary C. Ott, John T. Ritchie, junior, Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, the heirs at law of the said Abner Ritchie as aforesaid, may be made to answer fully and truly all the allegations of this bill, and every matter and thing therein set forth and stated; and that the said John T. Ritchie, and the said heirs at law, may be made to answer, particularly, whether he is the son and sole administrator of the estate of the said Ritchie, and when he was appointed to such administration; and whether the debts herein stated to be due to your orators are just, and whether the personal estate left by the said Abner Ritchie at the time of his death was sufficient to discharge the debts by him due; whether the said Abner Ritchie died possessed of the property described in your orators' exhibit A, and of what other real property he died seized? And that the real estate left by the said Abner Ritchie may be subjected to the payment of his debts due to your orators; and that it, or such portion of it as may be sufficient for that purpose, may by your honors be de-

creed to be sold therefor. May it please your honors to grant unto your orators the United States' writ of subpœna, or subpœnas, to the said John T. Ritchie, the administrator of the said John T. Ritchie, John W. Ott, Mary C. Ott, John T. Ritchie, jun., Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, the heirs at law of the said Abner Ritchie as aforesaid, commanding them, &c. And your orators further pray your honors to decree that the property mentioned in their aforesaid exhibit A, may be sold, and the proceeds thereof be applied to the payment of their aforesaid debts, with all interest and proper costs and charges and expenses which have accrued or may accrue thereon; and if the property mentioned in said exhibit should be deemed insufficient, or if the proceeds of the sale thereof, under the decree of your honors, should be found insufficient to pay the full amount of the said debts, interests, costs, charges, and expenses, your orators further pray that your honors will decree that other real property left by the said Abner Ritchie shall be sold for this purpose, in addition to the property mentioned in said exhibit A, so as to produce a sum of money sufficient to pay the said debts, interest, costs, charges, and expenses as aforesaid, and the proceeds of such further sale to be also applied to the payment of the same.

B. L. LEAR, *Compl's' Sol'r.*

Complainants' exhibit A.

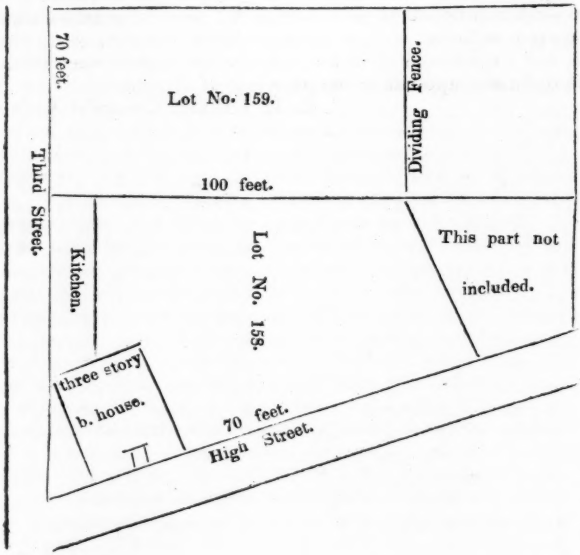
GEORGETOWN, 14*th February*, 1825.

DEAR SIR: Enclosed I send you a plot and description of the property of my late father, for your information in filing your bill, to be sold to satisfy the several claims against the estate, to wit: part of lot No. 158. in Beatty and Hawkins' addition to Georgetown, fronting on Third and High streets, with one three story brick house on the corner of said streets, and 70 feet of vacant ground on High street; also part of lot No. 159, adjoining the aforesaid lot No. 158, fronting 70 feet on Third street, and running back about 100 feet, to a dividing fence. I will thank to have Dr. Charles A. Beatty named as the trustee when you get an order to sell. Mr. Swann will render you every aid requisite on my part.

Very respectfully, your obedient servant,

JNO. T. RITCHIE.

B. L. LEAR, Esq.



Complainants' Exhibit B.

Exhibit B.

GEORGETOWN, *March* 6, 1825.

DEAR SIR: Enclosed are, for your information, a list of the heirs of Abner Ritchie, deceased.

1. John T. Ritchie.
2. John William Ott, Mary C. Ott, } Heirs of Ann Ott, dec'd. P. Mauro and Joseph Forrest, guardians to J. W. Ott. John T. Ritchie, guardian to M. C. Ott.
3. John T. Ritchie, jun. } Heir of Abner Ritchie, deceased. Ann Harriet Ritchie, widow, guardian, and mother.
4. Eleanor Ritchie,
5. Matilda M. Ritchie,
6. Joshua Ritchie, } Minors. Mary Ritchie, widow, mother, and guardian to all.

Very respectfully, your obedient servant,

JNO. T. RITCHIE.

B. L. LEAR, Esq.

Thereupon, subpœna issued as prayed, returnable to May next.

Subpœnas issued.

At which said first Monday of May, in the year 1825, comes into court here the said complainants, by their solicitor aforesaid; and the marshal, to whom the subpœna aforesaid issued, makes return thereof to the court here, thus endorsed, to wit: "Summoned John T. Ritchie; non sunt the rest." And the said John T. Ritchie, being called, appears in court here, by Thomas Swann, esquire; thereupon, the complainants, by their said solicitor, moved the court that the other defendants be called; which, being ordered and being called accordingly, they appear in court here, by Thomas Swann, esquire, their solicitor; and, on motion of the complainants, by their solicitor aforesaid, Thomas Turner, esquire, is appointed guardian to appear and answer for the infant defendants. The cause was regularly continued at rules until August, when the defendants, by their solicitor aforesaid, filed in court here the following answers:

Subpœnas returned.

Defendants appear.

Thos. Turner appointed guardian, &c.

Circuit Court of the District of Columbia, for the county of Washington. May term, 1825.

Bank of the United States and others,
vs.
John T. Ritchie and others, and representatives of Abner Ritchie, deceased. } In Chancery.

On motion of the complainants' solicitor in this case, Thomas Turner, esquire, is appointed guardian to appear and answer for the infant defendants.

By order: WM. BRENT, *Clerk.*

True copy. Test: WM. BRENT, *Clerk.*

9th June, 1825.

77—3

Answers of minors, by their guardian.

To the honorable the Judges of the Circuit Court of the District of Columbia, for Washington county, sitting as a court of equity:

The answer of Mary C. Ott, John W. Ott, John T. Ritchie, junior, Eleanor Ritchie, Martha M. Ritchie, and Joshua Ritchie, infants under the age of twenty-one years, by Thomas Turner, (their guardian appointed) to the bill of complaint exhibited against them by the president, directors, and company of the Bank of the United States, and others. The said respondents, making to themselves the usual reservations of exceptions, &c. answer and say: that, according to the belief and knowledge of their said guardian, the said claims are, as alleged in said bill of complaint, respectively due and owing, and unpaid to the said several complainants; and that the said Abner Ritchie, deceased, as alleged, did die leaving personal property insufficient for the pay of his debts due and owing by him at the time of his death, having, as is alleged, certain real property, &c.

These respondents also answer and say, by their guardian, that they have no objection to the decree for the sale of said real property sufficient to the discharge of the said debts, as prayed. THO. TURNER, *Guardian.*

Answer of Jno. T. Ritchie.

The answer of John T. Ritchie to a bill of complaint exhibited by the president, directors, and company of the Bank of the United States and others, against him and others, in the Circuit Court of the District of Columbia for the county of Washington. This defendant, saving and reserving to himself all manner of advantage and benefit of exception to all errors, imperfections, and uncertainties in the complainants' said bill of complaint contained, for answer thereto, or to so much thereof as he is advised is material for him to answer unto, he answereth and saith: that he admits to be true that Abner Ritchie departed this life intestate, and that he died indebted to various persons, the amount of which debts this defendant does not certainly know. It may be true that the debts claimed by the complainants are justly due to them, but this defendant would suggest that they should be referred to an auditor, and that he should ascertain the amount of the said claims, and make report upon the same to this court. This defendant is himself a creditor to the said estate, and there are other debts also existing against the said estate besides those mentioned in the complainants' bill. These claims should be all ascertained by the auditor, and reported also to this court. This defendant admits that he administered upon the estate of his father, Abner Ritchie, deceased, and he saith that the personal assets of the said estate are insufficient for the payment of his debts. This defendant admits that the said Abner Ritchie died seized of the real property in the bill mentioned, and is willing that the same should be sold, and the proceeds applied to the payment of his debts.

This defendant saith that he hath made a partial settlement of his administration account with the Orphans' Court, in which

there is a balance due to him of $103 61¼ cents, and that he will be at all times ready to settle his future accounts, and to pay into court any balance which may remain in his hands, after allowing to him his fair amount of offset which he hath against the estate for his aforesaid debt. This defendant denies all fraud, and prays to be hence dismissed, with his reasonable costs, &c. SWANN, *for the Defendant.*

COUNTY OF WASHINGTON, *to wit:*

John T. Ritchie appeared before me, the subscriber, a justice of the peace for the county aforesaid, and made oath that the matters and things in the foregoing answer contained, so far as they are stated as from his own knowledge, are true; and, so far as they are stated as from the knowledge of others, he believes to be true. Given under my hand this sixth day of August, 1825. WM. HEWITT.

The cause was regularly continued at rules until the first Monday of May then next ensuing.

At which said first Monday of May, in the year of our Lord one thousand eight hundred and twenty-six, come into court here as well the complainants as the defendants, by their solicitors aforesaid; and said cause was, by the parties aforesaid, by their solicitors aforesaid, set for hearing on the bill, answers, and exhibits, and the same now coming on to be heard on the bill, answers, and exhibits, and they being read, heard, and fully understood, and mature deliberation thereon had, the court made the following decree, to wit: Cause set for hearing.

Bank of the United States and others, *vs.* John T. Ritchie and others, heirs, &c. of Abner Ritchie. } *Decree—May term*, 1826. Decree for sale

This case coming on, by consent, to be heard upon the bill, answer, and exhibits, it is by the court here, this 21st day of June, 1826, with the like consent, adjudged, ordered, and decreed, that the real estate left by the said Abner Ritchie, or such part thereof as may be necessary for the purpose, be sold for the payment of the debts of said Ritchie to the complainants, and to such other creditors of said Ritchie as shall come in and bear their proper proportion of the costs and expenses of this suit, and shall exhibit their claims, with the proper proof thereof, to the auditor hereinafter appointed for the adjustment thereof, within the time hereinafter prescribed. And further, that Charles A. Beatty, of Georgetown, be, and he is hereby, appointed the trustee to make sale of the same; and the manner of his proceeding therein shall be as follows: He shall first give bond, with a surety or sureties, to be approved by one of the judges of this court, in the penal sum of six thousand dollars, and conditioned for the due execution of the trust committed. He shall then advertise the real property left by said Abner Ritchie, or such part thereof as he may deem sufficient to satisfy

the debts due by said estate, specifying it, particularly, in the National Intelligencer and Metropolitan newspapers, for sale at public vendue, on a day in said advertisement specified, at least three weeks subsequent to the first insertion of said advertisements (said advertisement being inserted twice a week for three weeks previous to said sale,) and shall accordingly proceed to sell the same, at public vendue, to the highest bidder, upon the following terms: one-fourth of the purchase money to be paid in cash, and the residue in four equal instalments, at six, twelve, eighteen, and twenty-four months, for which the said trustee shall take the notes of the said purchaser, bearing interest from the day of sale, and satisfactorily endorsed, and the said property shall stand as security for the payment of the purchase money; and, upon the payment of said notes and interest, and not before, the said trustee, and the said heirs of Abner Ritchie, as soon as may be after they shall respectively come of age of 21 years, shall convey the said property to the said purchasers, or his heirs or assigns, by a good and sufficient deed in fee. And the said trustee shall report his proceedings herein, under oath, at the next term of this court, and shall pay unto this court, subject to the future order thereof, the nett proceeds of the first payment of purchase money, after paying the proper expenses of sale; and, upon the payment by the purchaser, or his heirs or assigns, of the balance of the purchase money, with interest, the said trustee shall execute to him, or them, a good and sufficient deed of the premises. And it is by the court here further adjudged, ordered, and decreed, that Joseph Forrest be, and he is hereby, appointed the auditor of this court to receive and adjust, and report upon such claims upon the estate of said Abner Ritchie as shall be exhibited and sufficiently proved to him before the first Monday of November next. And the said auditor shall give notice, in the National Intelligencer, for all those having claims against said estate to exhibit them, with the proofs thereof, before the said first Monday of November next, or that, otherwise, they will be debarred of all benefit of this decree; which advertisement shall be inserted once a week for at least six weeks previous to said first Monday of November. And the said auditor shall receive, adjust, and audit said claims, and report the same to this court on the first Monday of December next. And it is hereby further ordered that John T. Ritchie, the administrator of said Abner, exhibit to said auditor the settlement made by him with the Orphans' Court of his administration account, and that the said auditor report thereon, and the assets, if any, in the hands of said administrator.

By order of the court. WM. BRENT, *Clerk.*

21*st June*, 1826.

We consent that this decree shall pass.

B. L. LEAR, *for Comp'ts.*

8*th June*, 1826. THO. SWANN, *for Def'ts.*

Thereupon, Charles A. Beatty, the trustee named in the foregoing decree, filed in court here the following bond, with its approval thereon endorsed:

Know all men by these presents, that we, Charles A. Beatty, of Georgetown, District of Columbia, John T. Ritchie, and John Simpson, of same town and District, are held and firmly bound to the president, directors, and company of the Bank of the United States in the full and just sum of six thousand dollars, to be paid to the said president, directors, and company, or their certain attorney or assigns; for which payment, well and truly to be made, we bind ourselves, and each of us, and our heirs, executors, and administrators, jointly and severally, firmly by these presents: sealed with our seals, and dated the twenty-second day of June, 1826. Trustee's bond

Whereas, by a decree of the Circuit Court of the District of Columbia for the county of Washington, passed at the May term, in the year 1826, of said court, in the case of the Bank of the United States and others, against John T. Ritchie and others, the heirs, &c. of the late Abner Ritchie, the above bound Charles A. Beatty hath been appointed the trustee, to sell the real estate left by the said Abner Ritchie, as will more fully appear by reference to said decree. Now, the condition of this obligation is such, that, if the said Charles A. Beatty shall faithfully perform the said trust reposed in him by said decree, or any other trust which may be directed to be performed by any other order or decree in said case, by said court, and faithfully pay into the said court the proceeds of said sale, then this obligation to be void, otherwise to be and remain in full force and virtue.

CHAS. A. BEATTY. [SEAL.]
JNO. T. RITCHIE. [SEAL.]
J. SIMPSON. [SEAL.]

Signed, sealed, and delivered, in the presence of
ANDREW M. LAUB.
JOHN STONER.

DISTRICT OF COLUMBIA, } *sct.*
Washington County, }

I certify that, on this 23d day of June, 1826, John T. Ritchie, of the county aforesaid, appeared before me, the subscriber, a justice of the peace in and for the said county, and made oath that he believes himself to be worth, after all his debts are paid, the sum of six thousand dollars; and that he, this deponent, verily believes that John Simpson, whose name is subscribed to this bond, is worth, judging from the assessments of his property on the books of the Corporation of Georgetown, the sum of three thousand dollars.

ROB. GETTY, *J. Peace.*

Approved. J. S. MORSELL.

Nothing further appears to have been done in the cause, except the continuances, which were regularly entered, until the

28th day of March, 1828, when the trustee filed in court here the following report, to wit:

Trustee's rep't

To the honorable the Judges of the Circuit Court for the county of Washington, in the District of Columbia:

In obedience to a decree of your honors, made at May term, 1826, in the case of the United States' Bank and others, against John T. Ritchie and others, defendants, appointing the subscriber a trustee for the purpose of selling certain property of Abner Ritchie, deceased, I have, agreeable to the directions of said decree, executed a bond, which was approved by one of your honors, caused the property to be advertised in the National Intelligencer of Washington city, and given notice as directed in said decree, (a certified copy of which is hereunto annexed;) and, on the 17th day of July, 1826, on the premises, I set up and exposed at public sale the property mentioned in the decree, when John T. Ritchie became the highest bidder. A plot of property and amount of sales is herewith enclosed, viz.

One brick house on corner of High and Third streets, running across lot No. 158 and 159, with 70 feet of vacant ground on Third street, including back buildings - - - - - - -	$1,800
70 feet vacant on High street, running across lot No. 158 and 159, including 100 feet back on the lot, see plat A. - - - - - - -	400
35 feet west half of lot No. 160, with small frame thereon, running back 150 feet - - -	515
	$2,715

Mr. Ritchie having produced satisfactory evidence of his having paid all the debts, and becoming the only creditor, to an amount exceeding the amount of sales, after deducting all reasonable expenses, and 10 per cent. commissions for my trouble in attending the sales aforesaid, which I pray your honors will allow, I have therefore, in compliance with the decree, (which directs a good and sufficient deed to be given, when all the purchase money shall have been paid,) given a deed to Mr. Ritchie for the purchase of the aforesaid property, which I pray your honors will confirm and ratify. Immediately after the above sale took place, I made a report of the sale and amount of sale; a plat and statement was placed, as I am informed, in the hands of Mr. Swann, for Mr. Lear, solicitor for the complainants, but was neglected to be handed in by Mr. Swann.

N. B. All the vouchers are placed in the hands of the auditor.

CHS. A. BEATTY, *Trustee.*

22*d July*, 1828.

DISTRICT OF COLUMAIA, } *to wit:*
County of Washington, }

On this sixth day of March, 1828, Charles A. Beatty appears before me, and makes oath on the Holy Evangely of

Almighty God that the within and above statement is just and true, to the best of his knowledge and belief. Sworn to before me,

JOHN COX, *Justice of Peace.*

And, on the 10th day of June, 1828, the auditor made the following report in the cause, to wit:

United States' Bank and others, comp'ts, *vs.* John T. Ritchie and others. } *10th June*, 1828. *In Chancery.* Auditor's rep't

The papers in this case having been referred to the auditor by an order made on the 21st June, 1826, with directions to receive, adjust, and report, upon such claims upon the estate of Abner Ritchie as shall be exhibited and sufficiently proved, and directing notice thereof to be given by advertisement in the National Intelligencer for six weeks, with a further order that the said John T. Ritchie exhibit to the auditor the settlement made by him with the Orphans' Court of his administration account, the undersigned begs leave to offer to the honorable court the following report: That due notice was given, as required by order, on the 29th day of August, 1826, to the creditors to exhibit their claims. The only claims exhibited are the following: John Stone, for $18 86; Daniel Renner, for $258 57, and a claim of John T. Ritchie for ——.

The money claimed by Daniel Renner is also claimed by Ann Beddo. Without deciding which of the claimants are entitled to the money, the claim is a fair one against Ritchie's estate.

As respects the claim of J. T. Ritchie upon this estate, the auditor begs reference to his remarks thereon herewith submitted, which he prays may be taken as part of this report. It appears to the auditor that the proceedings in this case, in every instance, as it respects the appointment of trustee, the report of the trustee, and the manner in which the trust has been executed, are altogether irregular. No notes have ever been taken from the purchaser by the trustee; no ratification of the sales made by him; and yet the trustee, according to his report, has deeded the property to John T. Ritchie, the purchaser. The property is stated to have been sold for $2,715; and the trustee reports, that "Mr. Ritchie, having produced satisfactory evidence of his having paid all the debts, and becoming the only creditor to an amount exceeding the amount of sales, after deducting all reasonable expenses, and 10 per cent commissions for my trouble," &c.; and concludes, "I have therefore, in compliance with the decree, given a deed to Mr. Ritchie," &c. The auditor is of opinion that Mr. Ritchie's claim is not near equal to the amount of his purchase, and it is in evidence that he is not the only creditor. The auditor is unable to make to the court, at this time, a more satisfactory report, not having had an opportunity to examine the vouchers and settlements in the Orphans' Court in a manner sufficient to enable him to make a statement of the accounts settled there.

JOSEPH FORREST, *Auditor.*

Statement of auditor.

The claim of John T. Ritchie, administrator of Abner Ritchie, exhibited to the auditor—

No. 1.	For amount of James Getty's bill, $117 70, charges with interest - -	$163	89
2.	Richard Sheckles, entertainment to commissioners - - - -	2	00
3.	Georgetown Corporation, taxes for 1826,	9	80
4.	T. Nixdorff, $136 07½ - - -	185	77½
5.	Richard Ballard, $61 - - -	90	00
6.	Ninian Beall, $12 - - -	16	91
7.	Mary Ritchie, per order of court - -	200	00
8.	E. Davis, for advertising and selling real estate - - - - -	24	00
9.	Thomas Turner, for writing trustee's bond	5	00
11.	Gales & Seaton, advertising property on rent, 1820, $1 - - - -	9	75
12.	Noble Hurdell, for repairs of a house, 1820, $4 75 - - - -	6	34
10.	Certificate of Register of Orphans' Court, overpaid, $1,835 39 - - -	2,018	92
13.	Key & Dunlop, filing petition to divide real estate in 1819 - - - -	20	00

Remarks.—It does not appear that the above charges or accounts are properly chargeable to the estate of Abner Ritchie: Nos. 1, 4, 5, and 6, are for mourning for the family, and for clothes for J. T. Ritchie himself; No. 2 is for refreshments given to the commissioners who met to divide the real estate; No. 8 and 9 are for costs, or for services rendered to J. T. Ritchie as trustee, that appointment having been annulled by the court; No. 11 is properly chargeable in the administrator's account, if any where, and may have been already allowed by the Orphans' Court; No. 12 is for the repair of a house, which ought to have been paid out of the rents; No. 10, by a reference to the settlement in the Orphans' Court, it will appear that John T. Ritchie has allowance for several sums *not paid* by him, and for several years taxes, &c. on property in Georgetown and elsewhere, while he was in receipt of the rents and profits of the estate. How the rents and profits have been distributed or accounted for is unknown to the auditor. The administrator has charged himself with $100 for $1000 of stock in the Importing and Exporting Company It is not shown when, how, and by what authority this stock was sold, or who was the purchaser. The last charge being for a fee paid to attorneys, it will appear has been already allowed by the Orphans' Court. If not the same charge, it is for the same amount, and paid to the same attorneys. Some allowances are made in the Orphans' Court to J. T. Ritchie for claims assigned to his wife; no payment appears to have been made for them.

True copy.—Test: W. BRENT, *Clerk.*

Appeal bond.

Know all men by these presents, that we, Samuel H. Smith and Richard Smith, are held and firmly bound unto John T. Ritchie, junior, Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, in the full and just sum of two hundred dollars, to be paid to the said John T. Ritchie, junior, Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, their certain attorney, executors, administrators, or assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents: sealed with our seals, and dated this 1st day of February, in the year of our Lord one thousand eight hundred and thirty-two. Whereas, lately at a Circuit Court of the United States for the District of Columbia, in the county of Washington, sitting as a court of equity, in a case wherein the said John T. Ritchie, junior, by Abner H. Ritchie, his next friend, Eleanor, Matilda, and Joshua Ritchie, by Eleanor Ritchie, their next friend, were complainants. and the president directors, and company of the Bank of the United States, and others, were defendants, a decree was rendered against the said defendants,; and they having entered an appeal to the Supreme Court of the United States, now, the condition of the above obligation is such, that, if the said president, directors, and company of the Bank of the United States, and the other defendants in said cause mentioned, shall prosecute their appeal to effect, and answer all damages and costs, if they fail to make their plea good. then the above obligation to be void, else to remain in full force and virtue.

SA. H. SMITH. [SEAL.]
RD. SMITH. [SEAL.]

Signed and delivered in the presence of
B. L. LEAR.

Approved. W. CRANCH.
Copy. Teste: W. BRENT, *Clerk.*

UNITED STATES OF AMERICA, } ss.
District of Columbia, Washington Cy. }

To John T. Ritchie, jun., Eleanor Ritchie, Matilda M. Ritchie, and Joshua Ritchie, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the —— Monday of —— next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the District of Columbia, in the county of Washington, wherein the president, directors, and company of the Bank of the United States, and others, are plaintiffs in error, and you are defendants in error, to show cause, if any there be, why the decree rendered against the said president, directors, and company of the Bank of the United States, and others, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable William Cranch, Chief Judge of the Circuit Court for the District of Columbia, this 1st day of February, 1832.

Service acknowledged by John Marbury, esq. solicitor for defendants. Test: W. BRENT, *Clerk.*